

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 1:17-CR-177 (MAD)
)	
v.)	
)	
REBECCA HOBBS)	Government's Sentencing Memorandum
)	
Defendant.)	

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, hereby files its sentencing memorandum requesting that the defendant receive a sentence consistent with the federal sentencing guidelines.

I. INTRODUCTION

On July 24, 2017 and September 7, 2017, the defendant entered a guilty plea to one count of conspiracy to commit marriage fraud, in violation of Title 8, United States Code Section 1325(c) and Title 18, United States Code, Section 371. The defendant's sentencing is scheduled for July 19, 2019.

II. APPLICABLE STATUTORY AND GUIDELINES PROVISIONS

A. Statutory Maximum Sentence

The defendant's conviction for conspiracy to commit marriage fraud, in violation of 8 U.S.C. 1325(c) and 18 U.S.C. § 371 subjects the defendant to a statutory maximum term of 5 years' imprisonment, *see* 18 U.S.C. § 371; a 3-year maximum term of supervised release, *see* 18 U.S.C. § 3583; and a fine of \$250,000, *see* 18 U.S.C. § 3571.

B. Guidelines Provisions

i. Plea Agreement

In the Plea Agreement, the parties agreed that the base offense level was 11, pursuant to U.S.S.G. § 2L2.1. The government also recommends a 2-level downward adjustment to the applicable federal sentencing guidelines offense level pursuant to U.S.S.G. § 3E1.1(a) because the defendant has demonstrated acceptance of responsibility for her offense.

iv. Criminal History Category

According to the presentence report, the defendant's criminal history category is I. The government agrees with the Probation Office's calculation of the defendant's criminal history category.

v. Guidelines Range and Sentence

As described above, the combined offense level is 9 and the criminal history category is I. This is consistent with the calculations in the presentence report.

As a result of the above-described calculations, absent any departures, the federal sentencing guidelines advise that the defendant receive a sentence of 4 to 10 months of imprisonment; a fine of \$2,000 to \$20,000; a mandatory special assessment of \$100; and a supervised release term of one to three years.

III. GOVERNMENT'S SENTENCING RECOMMENDATION

Based on all the information before the Court, the government respectfully requests that the Court impose a sentence consistent with the federal sentencing guidelines. Under the facts present here, such a sentence will be sufficient, but not greater than necessary, to comply with the sentencing purposes of 18 U.S.C. § 3553(a).

A sentence consistent with the federal sentencing guidelines will promote respect for the law, provide just punishment, and further both specific deterrence to the defendant and general deterrence to others. As the Supreme Court has observed, “in the ordinary case, the [Sentencing] Commission’s recommendation of a sentencing range will ‘reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.’” *Kimbrough v. United States*, 552 U.S. 85, 89 (2007); *see, e.g., Gall v. United States*, 552 U.S. 38, 46 (2007) (Guidelines are “the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions”). Within-guidelines sentences also promote Congress’s goal in enacting the Sentencing Reform Act – “to diminish unwarranted sentencing disparity.” *Rita v. United States*, 551 U.S. 338, 354 (2007).

The defendant has waived any right to appeal her conviction or any sentence to a term of imprisonment of 10 months or less. *See* Plea Agreement ¶ 7.

Dated: July 2, 2019

Respectfully submitted,

GRANT C. JAQUITH
United States Attorney

By: /s/ Shira C. Hoffman
Shira C. Hoffman
Assistant United States Attorney
Bar Roll No. 700507

CERTIFICATE OF SERVICE

I, Shira C. Hoffman, hereby certify that on July 2, 2019, I electronically filed the foregoing **Government's Sentencing Memoranda** with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to defense counsel.

Dated: July 2, 2019

/s/ Shira C. Hoffman
Shira C. Hoffman